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HEADQUARTERS EIGHTH ARMY
United States Army
Office of the Staff Judge Advocate

Yokohama, Japan
9 November 1948

UNITED STATES OF AMERICA VS SAZAE CHIUMA

1. The attached record of trial of Sazae Chiuma at Yokohama, Japan from 29 July 1948 to 30 July 1948 by a Military Commission appointed by paragraph 1, Special Orders No 159, Headquarters Eighth Army, dated 15 July 1948, having been referred to the Staff Judge Advocate, this review thereof is submitted to the Commanding General.

Personal Data Concerning Accused

NAME: Sazae Chiuma
AGE: 37
RESIDENCE: Kagoshima-ken, Aira-gun, Higashi Kokubu-mura
MARITAL STATUS: Married
RELATIVES: Father and Mother
EDUCATION: Junior High school
VOCATION: None
MILITARY CAREER: Imperial Japanese Navy from 1930 to 1944, highest rank attained - Ensign

DATE OF CONFINEMENT: 1 June 1948
DATE OF ARRAIGNMENT: 29 July 1948
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 29 July 1948 to 30 July 1948
DATE OF SENTENCE: CHL for ten (10) years
CLEMENCY RECOMMENDED BY COMMISSION: No

2. Synopsis of Charges, Pleas, Findings and Legal Sufficiency

Charge and Specifications	Pleas	Findings	Legally Sustained
Charge: Accused, at the time and place set forth in the specifications and during a time of war between the United States of America, its Allies and Dependencies, and Japan, did violate the Laws and Customs of War.	G	G	Yes
Specification 1: At or near Kendari, Celebes, Netherlands East Indies, on or about 24 November 1944, accused did wrongfully and unlawfully kill one unidentified American, a member of the armed forces of the United States of America, by striking him with a sword.	NG (see par 3a of this review.)	G	Yes
Specification 2: On or about 24 November 1944, accused did wrongfully and unlawfully order and direct Toshio Mitani, Isokichi Yamamoto, Yoshitaka Ogawa and Tooru Tanaka, all members of the Imperial Japanese Navy, under his command, to kill four unidentified Americans, all members of the armed forces of the United States of America and who were then prisoners of war, by striking them with swords.	NG	G	Yes

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3. Summary of the Evidence:

a. For the Prosecution:

As to Specifications 1 and 2: Nine American fliers were shot down by anti-aircraft in Celebes Island, Netherlands East Indies, early in October 1944. The accused, as the ranking non-commissioned officer, was in charge of a squad detailed to execute five of these fliers. He personally decapitated the first victim and was in charge of the decapitation of four others. The accused pleaded guilty to specification 1, in that he personally decapitated one flier (Record and Exhibits). His guilty plea was limited and is treated as a not guilty plea in this review.

The accused declined to take the stand to testify in his own behalf, except for purposes of identification.

4. Opinion:

The Record is legally sufficient to support the findings of the Commission. The allegations set forth in the charge and in both specifications were substantiated by ample and competent evidence. The Commission was constituted by proper authority and had jurisdiction of the accused and of the offenses alleged.

The fact that the accused received a lenient sentence is probably based on paragraph 5d, (4) letter SCAP, 5 December 1945, wherein it is stated an order from a superior may be considered in mitigation.

The complete record shows that the accused had a fair trial and was ably represented by competent counsel. A careful scrutiny of the entire record fails to disclose any error which injuriously affected the substantial rights of the accused in any respect. The evidence supports the findings. There is no evidence that the accused was not sane at the time the alleged acts were committed and at the time of trial.

5. Recommendations:

There are no letters of clemency from any member of the Commission or from others.

The Commission sentenced the accused to confinement at hard labor for ten (10) years. The sentence is legal.

Accused was confined 1 June 1948, went to trial 29 July 1948, and was sentenced 30 July 1948. It is recommended that the sentence be approved. Sugamo Prison, Tokyo, Honshu, Japan is the proper place of confinement.

6. Action:

A form of action designed to carry the above recommendation into effect is attached.

PAUL E. SPURLOCK
Reviewer
Judge Advocate Section

I concur in general.

ALLAN R. BROWNE
Lt Colonel JAGD
Army Judge Advocate

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